

VZCZCXYZ0000  
OO RUEHWEB

DE RUEHC #0636 1630143  
ZNR UUUUU ZZH  
O 120119Z JUN 09  
FM SECSTATE WASHDC  
TO AMEMBASSY LIMA IMMEDIATE 0000

UNCLAS STATE 060636

SIPDIS

E.O. 12958: N/A  
TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [PE](#)  
SUBJECT: PERU -- 2009 TIP REPORT: PRESS GUIDANCE AND  
DEMARCHE

REF: A. STATE 59732  
[1](#)B. STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Peru of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Peru and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP,s Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than OOB local time Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Peru of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Peru,s country narrative in the 2009 TIP Report:

-----  
PERU (TIER 2)  
-----

Peru is a source, transit, and destination country for men, women, and children trafficked for the purposes of forced labor and commercial sexual exploitation. The majority of human trafficking occurs within the country. The ILO and IOM estimate that more than 20,000 persons are trafficked into conditions of forced labor within Peru, mainly in the mining and logging sectors, agriculture, and brick-making sectors, and as domestic servants. Many trafficking victims are women and girls from impoverished rural regions of the Amazon, recruited and coerced into prostitution in urban nightclubs, bars, and brothels, often through false employment offers or promises of education. Indigenous persons are particularly vulnerable to being subjected to debt bondage by Amazon landowners. Forced child labor remains a problem, particularly in informal gold mines and coca production. To a lesser extent, Peruvians are trafficked to Ecuador, Spain, Italy, Japan, and the United States for commercial sexual exploitation, and to Argentina, Chile, and Brazil for forced labor. Peru also is a destination country for some Ecuadorian and Bolivian females trafficked for commercial sexual exploitation, and the trafficking of Bolivians for forced labor. The Peruvian government recognizes child sex tourism to be a problem, particularly in Iquitos, Madre de Dios, and Cuzco.

The Government of Peru does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Last year the government increased law enforcement efforts against sex trafficking crimes. Nonetheless, the government,s efforts to combat forced labor crimes and provide victim assistance were inadequate. While Peruvian officials recognize human trafficking as a serious problem, and have taken concrete steps to address it, a stronger and more coordinated response by the government is required, especially in light of the estimated number of victims present in the country.

Recommendations for Peru: Increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, including corrupt officials who may facilitate trafficking activity; increase investigations of forced labor crimes; increase protection services for victims or funding to NGOs with capacity to provide trafficking victims, including adult males, with specialized care; increase anti-trafficking training for prosecutors and judges and sustain training for police and other government personnel, including labor inspectors; increase public awareness of the dangers of human trafficking; improve data collection; and increase victim participation in their own cases.

Prosecution  
-----

The Government of Peru improved efforts to combat human trafficking through law enforcement last year. Peru prohibits all forms of trafficking in persons pursuant to Article 153 of its penal code, which prescribes penalties of eight to 15 years, imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed

for other serious crimes, such as rape. Peru's anti-trafficking law was enacted in January 2007, and the law's implementing regulations were approved in November 2008, assigning anti-trafficking responsibilities to different government entities; the regulations also cite a strong need for increased anti-trafficking training. During the reporting period, the government opened 54 sex trafficking prosecutions and secured the convictions of five sex trafficking offenders, who received sentences ranging from eight to 12 years, imprisonment. Such results represent a significant increase from the previous year, when the government opened 15 prosecutions and achieved no convictions. Most defendants were convicted on charges involving the commercial sexual exploitation of minors, particularly in Iquitos. However, there were very few prosecutions or convictions reported for forced labor offenses, despite an estimated high incidence of forced labor in the country. In March 2008, the government established a dedicated anti-trafficking police unit, and it conducted raids of brothels that resulted in the rescue of 56 sex trafficking victims. Numerous barriers to effective police investigations of trafficking crimes remained, however, including an inadequate flow of information and coordination among police units at the local, metropolitan, and national levels, and with prosecutors and other actors in the criminal justice system, including social service providers. NGOs reported that many police still lacked sensitive interviewing techniques, and had limited knowledge of human trafficking crimes. Corruption among low-level officials enabled trafficking in certain instances, and individual police officers tolerated the operation of unlicensed brothels. No investigations of official complicity with trafficking activity were reported last year.

#### Protection

-----  
The government provided limited assistance to trafficking victims last year. Child victims of trafficking were referred to government institutions for basic shelter and care. Similarly, the government operated generalized shelters accessible to adult female victims of abuse, including trafficking victims. However, specialized services and shelter for trafficking victims remained largely unavailable. While the government provided some assistance to anti-trafficking NGOs, adequate victim services remained unavailable in many parts of the country. Last year, Peruvian authorities identified 153 trafficking victims, though the number of victims in the country is thought to be much higher. The government did not employ a formal mechanism for identifying trafficking victims among vulnerable populations, such as adult women in prostitution. Police made efforts to contact parents of identified child trafficking victims. Trafficking victims, however, often lacked personal identification documents and many police released them without classifying them as trafficking victims or referring them to shelters. Many minors exploited in prostitution ended up returning to brothels in search of shelter and food. Lack of victim participation in the investigation or prosecution of traffickers remained a problem. The government did not penalize victims for unlawful acts committed as a direct result of being trafficked. The government provided legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution, and the government assisted foreign victims with voluntary repatriation.

#### Prevention

-----  
The government sustained anti-trafficking prevention efforts, and continued operation of a toll-free IOM-assisted hotline for the reporting of trafficking crimes. The government aired anti-trafficking videos in transportation hubs, warning travelers of the legal consequences of engaging in trafficking activity or consuming services from trafficked persons. The government involved the private sector in its education campaigns and worked to gain public commitment from businesses not to participate in trafficking activity. The labor ministry and NGOs provided awareness campaigns to

inform indigenous people of their rights and prevent debt bondage situations. The government provided specialized training on forced labor for a small number of labor inspectors last year. No additional efforts to reduce demand for commercial sex acts or forced labor were reported. Peruvian peacekeepers deployed to Haiti received standards of conduct training through the United Nations last year.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1 ) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make

significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for

participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website [www.state.gov/g/tip](http://www.state.gov/g/tip).

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

11. The following is press guidance provided for Post to use with local media.

Q1: Why was Peru given a ranking of Tier 2?

A: The Government of Peru does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Last year the government increased law enforcement efforts against sex trafficking crimes. Nonetheless, the government's efforts to combat forced labor crimes and provide victim assistance were inadequate. While Peruvian officials recognize human trafficking as a serious problem, and have taken concrete steps to address it, a stronger and more coordinated response by the government is required, especially in light of the estimated number of victims

present in the country.

Q2: What is the nature of Peru,s trafficking problem?

A: Peru is a source, transit, and destination country for men, women, and children trafficked for the purposes of forced labor and commercial sexual exploitation. The majority of human trafficking occurs within the country. The ILO and IOM estimate that more than 20,000 persons are trafficked into conditions of forced labor within Peru, mainly in the mining and logging sectors, agriculture, and brick-making sectors, and as domestic servants. Many trafficking victims are women and girls from impoverished rural regions of the Amazon, recruited and coerced into prostitution in urban nightclubs, bars, and brothels, often through false employment offers or promises of education. Indigenous persons are particularly vulnerable to being subjected to debt bondage by Amazon landowners. Forced child labor remains a problem, particularly in informal gold mines and coca production. To a lesser extent, Peruvians are trafficked to Ecuador, Spain, Italy, Japan, and the United States for commercial sexual exploitation, and to Argentina, Chile, and Brazil for forced labor. Peru also is a destination country for some Ecuadorian and Bolivian females trafficked for commercial sexual exploitation, and the trafficking of Bolivians for forced labor. The Peruvian government recognizes child sex tourism to be a problem, particularly in Iquitos, Madre de Dios, and Cuzco.

Q3: How can Peru improve its anti-trafficking efforts?

A: To advance its efforts to combat human trafficking, the Government of Peru could: increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, including corrupt officials who may facilitate trafficking activity; increase investigations of forced labor crimes; increase protection services for victims or funding to NGOs with capacity to provide trafficking victims, including adult males, with specialized care; increase anti-trafficking training for prosecutors and judges and sustain training for police and other government personnel, including labor inspectors; increase public awareness of the dangers of human trafficking; improve data collection.

¶12. The Department appreciates posts, assistance with the preceding action requests.

CLINTON